



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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Ted Graziani
Chairman

Tom Palshaw
Vice Chairman

Bill Correia
Keith Durao
Jim Prichard
John Ridzon
Heather Stavens

Charter Revision Commission

SPECIAL MEETING MINUTES

June 27, 2018

MEMBERS PRESENT: Bill Correia, Ted Graziani, Tom Palshaw, Jim Prichard, John Ridzon and Heather Stavens

MEMBERS ABSENT: Keith Durao

OTHERS PRESENT: David Stavens

I. CALL TO ORDER:

Chairman Graziani called to order the Charter Revision Commission (CRC) Special Meeting at 6:33 p.m. in Commission Room A in the Town Hall, 55 Main Street, Ellington, CT.

II. CITIZENS' FORUM [Non-agenda items]:

No one came forward.

III. APPROVAL OF MINUTES:

A. June 20, 2018 Regular Meeting Minutes

MOVED (PALSHAW), SECONDED (CORREIA) AND PASSED UNANIMOUSLY TO APPROVE THE CHARTER REVISION COMMISSION REGULAR MEETING MINUTES OF JUNE 20, 2018 AS WRITTEN.

IV. UNFINISHED BUSINESS:

A. Charter Revision Commission Draft Report/Consider the Following Proposals:

The CRC reviewed the proposals submitted (enumerated on the attached table) and took the following action:

1. Section 910 – Department of Public Works and new section for the Hall Memorial Library Board of Trustees.

Proposal #8: Mr. Palshaw pointed out that the Town Charter already gives maintenance of all Town buildings and public grounds to the Department of Public Works. He noted, however, that it conflicts with State Statutes which gives the Library Board of Trustees control of the building. Mr. Palshaw suggested that the best way to handle this issue is to let the two agencies come to an agreement vs. changing the Town Charter.

Ms. Stavens stated that the Town should have exclusive control as the Library is a Town building. Mr. Prichard agreed and suggested the CRC include as a Charter Revision proposal the language prepared by the Town Attorney (see attached).

MOVED (PALSHAW), SECONDED (PRICHARD) AND FAILED (AYE: PALSHAW; NAY: PRICHARD/RIDZON/STAVENS/GRAZIANI/CORREIA) TO NOT INCLUDE IN THE CHARTER REVISION COMMISSION DRAFT REPORT THE PROPOSAL TO AMEND SECTION 910 AND INCLUDE A NEW SECTION FOR THE LIBRARY BOARD OF TRUSTEE.

2. Section 923 – Director of Fire & Emergency Medical Services

Proposal #4 [B]. The CRC agreed that the proposal to add the Director of Fire & Emergency Medical Services position will require more time to study and they will not be able to complete the work needed and comply with the timetable set by the Board of Selectmen. Mr. Palshaw noted the following reasons to not include the Director of Fire & Emergency Medical Services position in the Charter Revision Commission's Draft Report: (a) More evaluation is needed than time available allows; (b) The Town is drafting an RFP to study emergency services; and (c) the Director position can be authorized under the existing Charter, Sections 504 and 703, and by contract language with the Fire Departments and EVAC.

MOVED (PALSHAW), SECONDED (GRAZIANI) AND PASSED UNANIMOUSLY TO NOT INCLUDE THE PROPOSAL TO ADD THE DIRECTOR OF EMERGENCY AND MEDICAL SERVICES IN THE CHARTER REVISION COMMISSION DRAFT REPORT.

3. Section 1011 – Purchasing/Competitive Bidding

Proposal #5. Section 1011. Purchasing: This change to Section 1011 would remove from the Town Charter the minimum monetary amount required to obtain competitive bidding and add language that the minimum monetary amount comply with the Town Ordinance Concerning Competitive Bidding Requirements, which is \$25,000, as illustrated below.

SECTION 1011. PURCHASING

*Purchases for the Town of Ellington, except the Board of Education and the Probate Court, shall be made under such rules and regulations as may be established by the Board of Selectmen. ~~For any purchase estimated at seven thousand five hundred dollars (\$7,500) or more, t~~ The Finance Officer shall invite sealed bids **in accordance with the Town Ordinance Concerning Competitive Bidding Requirement**, unless the Board of Selectmen shall decide it to be against the best interest of the town. The Finance Officer shall provide a minimum of ten (10) days public notice to potential bidders by publication at least once in a newspaper having circulation in the town. The Finance Officer shall, with the approval of the requesting board, commission, committee, or department, award the purchase or contract to the lowest responsible bidder thereon or may reject any or all such bids or proposals. All such sealed bids or proposals shall be opened publicly. ~~For any purchase less than seven thousand five hundred dollars (\$7,500)-the amount stated in the Town Ordinance Concerning Competitive Bidding Requirement~~, or such other amount required by law, the Finance Officer or his or her designee shall negotiate directly with prospective suppliers prior to the Finance Officer awarding the contract. [AMENDED 11/5/02; 11/6/07]*

Mr. Graziani noted that a similar proposal was presented to the voters in November 2017 and it was voted down. And in an effort to correct the flawed language in the Ordinance Concerning

Competitive Bidding Requirement, it was also voted down at a Town Meeting on June 25, 2018. He was not comfortable presenting this proposal to the voters again. The members agreed.

MOVED (PALSHAW), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO NOT INCLUDE THE PROPOSAL TO AMEND SECTION 1011 – PURCHASING IN THE CHARTER REVISION COMMISSION DRAFT REPORT.

4. Section 605 – Power to Overrule Town Meeting Action

Proposal #7. *Section 605. Power to Overrule – Town Meeting Actions, Subsection (d):* This proposal will change the percentage requirement needed to overrule action taken at a Town Meeting. Mr. Palshaw suggested reducing the percentage to 10% with a simple majority based on the research and options presented by CCM in the CCM Charter Revision Information Kit.

SECTION 605. POWER TO OVERRULE – TOWN MEETING ACTIONS, SUBSECTION (d)

All actions, including a negative action, of any town meeting shall be subject to overrule by a special town referendum in the following manner:

- (d) *Within fifteen (15) days of receipt of said petition, so certified, the Board of Selectmen shall fix the time and place of said special referendum which shall be held not less than twenty (20) nor more than forty-five (45) days after the certification of said petition and notice thereof shall be given in the manner provided by law (in Section 7-3 of the General Statutes, as amended) for the calling of a town referendum.*

*Any action so referred shall take effect upon the conclusion of such referendum unless a majority of those persons voting thereon **shall have voted in favor of overruling such action, provided** such majority being equal to at least fifteen (15) **ten (10)** percent of the qualified electors of the town, as determined from the latest official lists of the Registrars of Voters, shall have voted **on the matter** in favor of overruling such action. To the extent permitted by law, the aforementioned provisions are intended to supersede the applicable portions of Section 7-7 of the General Statutes, as amended.*

MOVED (PALSHAW), SECONDED (GRAZIANI) AND PASSED UNANIMOUSLY TO INCLUDE THE PROPOSAL TO CHANGE TO SECTION 605 – POWER TO OVERRULE TOWN MEETING ACTIONS, SUBSECTION (d), IN THE CRC DRAFT REPORT.

5. Section 302 – Election & Terms of office

Proposal #6 [A]. *Section 302. Election and Terms of Office: Town Election.*

The CRC decided to separate the proposed changes in Section 302 into three proposals.

- The following proposal would not allow the votes for the unsuccessful candidate for First Selectman to be counted as a member of the Board of Selectmen.

SECTION 302. ELECTION AND TERMS OF OFFICE: TOWN ELECTION

At a meeting of the electors of the Town of Ellington to be held on the third day of November, 1987, and biennially on the first Tuesday after the first Monday of November thereafter, there shall be elected the following officers:

- (a) *A First Selectman. The votes cast for the unsuccessful candidate for First Selectman shall **not** be counted for him/her as a member of the Board of Selectmen.*

MOVED (STAVENS), SECONDED (PALSHAW) AND PASSED UNANIMOUSLY TO INCLUDE AS A SEPARATE PROPOSAL IN THE CRC DRAFT REPORT THE PROPOSAL TO CHANGE SECTION 302 WHICH WILL NOT ALLOW THE VOTES FOR THE UNSUCCESSFUL CANDIDATE FOR FIRST SELECTMAN TO BE COUNTED AS A MEMBER OF THE BOARD OF SELECTMEN.

- The following proposal would change the term of the First Selectmen from two years to four years in Section 302 and Section 701:

SECTION 302. ELECTION AND TERMS OF OFFICE: TOWN ELECTION & SECTION 701. GENERAL

- (a) *A First Selectman. **The First Selectman shall be elected for a term of four (4) years.***

SECTION 701. GENERAL

~~At each biennial town election a~~ ***A** First Selectman shall be chosen by the electors of the town as provided in Chapter III of this charter.*

MOVED (PALSHAW), SECONDED (GRAZIANI) TO REMOVE FROM THE CRC DRAFT REPORT THE PROPOSAL TO AMEND SECTION 302 AND SECTION 701, CHANGING THE TERM OF OFFICE FOR THE FIRST SELECTMAN FROM TWO YEARS TO FOUR YEARS.

VOTE: AYE: PALSHAW/CORREIA/GRAZIANI; NAY: STAVENS/RIDZON/PRICHARD.
THE CHAIR DECLARED THE MOTION DEFEATED.

- This proposal would change the terms of the Board of Selectmen from two years to four years:
 - (b) *Six (6) members of the Board of Selectmen, in accordance with the applicable provisions of Sections 7-193 and 9-188 of the General Statutes, as amended, **said members shall be elected for four (4) year terms.***

MOVED (PALSHAW), SECONDED (RIDZON) AND PASSED UNANIMOUSLY TO REMOVE FROM THE CRC DRAFT REPORT THE PROPOSAL TO AMEND SECTION 302, CHANGING THE TERMS OF OFFICE OF THE BOARD OF SELECTMEN FROM TWO YEARS TO FOUR YEARS.

6. Section 1211 – Effective Date

The CRC will recommend to the BOS that all amendments approved at the election on November 6, 2018 become effective on January 1, 2019.

B. Review Timeline to Submit Draft Report

The CRC reviewed the timeline to submit their Draft Report to the BOS. It was pointed out the BOS has requested that the CRC submit their Draft Report by July 25, 2018.

The CRC will hold the second Public Hearing on Wednesday, July 18, 2018 at the Ellington Town Hall at 7:00 p.m. for the purpose of allowing residents to comment on the proposed revisions to the Town Charter.

The CRC scheduled a Special Meeting for Wednesday, July 11, 2018 at 6:30 p.m. to finalize the Draft Report for presentation at the July 18 Public Hearing.

Chairman Graziani thanked Tom Palshaw and Marie Sauve for the work they did in researching the proposals and preparing the member on the various topics. He also thanked the members for their input and insight throughout the year-long process.

V. NEW BUSINESS

A. Consider Other Changes to the Town Charter

No new proposal were received.

VI. ADJOURNMENT:

MOVED (RIDZON), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO ADJOURN THE REGULAR MEETING OF THE CHARTER REVISION COMMISSION AT 7:30 P.M.

Respectfully submitted,



Marie Sauve
Recording Secretary

Charter Revision Proposals

Received as of April 18, 2018

Charter Section		Proposed Change	Submitted by	Status	
1.	Section 602 Annual Town Budget Meeting	Change the date of the budget referendum to allow for timely publication of the legal notice.	Diane McKeegan, Town Clerk	✓	2/21/18: CRC voted unanimously to include in Draft Report
2.	Section 205 Vacancies – Elective Offices, Subsection (a) and (d)	Change the term of office for elected official vacancies to serve until the end of the current term vs. until the next election.	Diane McKeegan Town Clerk	✓	2/21/18: CRC voted unanimously to include in Draft Report. 3/26/18: Town Attorney provided proposed language
3.	Section 808 Public Safety Commission	Repeal; inactive	Jack Turner, E911 Municipal Coordinator/Selectman	✓	2/21/18: CRC voted unanimously to include in Draft Report
4.	[A] Section 923 Emergency Services	Add language to give the Town flexibility in determining who will provide emergency services to the Town	Lori Spielman, First Selectman; Peter Hany, EVAC Chief, Jack Turner	✓	2/21/18: CRC voted unanimously to include in Draft Report
	[B] Section 923 Emergency Services	Add Director of Fire and Emergency Medical Services position to oversee all three agencies (Ellington Volunteer Fire Ambulance Corps, Ellington Volunteer Fire Department and Crystal Lake Fire Department).	Charter Revision Commission		1/31/18: CRC will consider for inclusion in Draft Report; Tabled for further study.
5.	Section 1011 Purchasing	Remove the dollar amount, \$7,500, regarding the minimum monetary amount required to obtain competitive bidding and add language that the minimum monetary amount will comply with the Town Ordinance Concerning Competitive Bidding Requirements.	Charter Revision Commission		1/31/18: CRC will consider for inclusion in Draft Report; Tabled pending Town Meeting approval of revised Ordinance

Charter Section		Proposed Change	Submitted by	Status
6.	[A] Section 302 Election and Terms of Office: Town Election, Subsections (a) and (b)	Change the terms of office for the First Selectman and Board of Selectmen from two (2) years to four (4) years.	Lori Spielman First Selectman	2/21/18: CRC voted to include in Draft Report CRC to consider language regarding effective date and staggered terms
		Also, change language to not allow the votes for the unsuccessful candidate for First Selectman to be counted as a member of the Board of Selectmen.	Charter Revision Commission	
7.	[B]Section 701 General	Change the terms of office for the First Selectman from two (2) years to four (4) years	Lori Spielman First Selectman	2/21/18: CRC voted unanimously to include in Draft Report.
		Revise the language regarding the 15% majority requirement to overrule action taken at a Town Meeting.	Tom Palshaw CRC Member	
8.	Section 605 Power to Overrule – Town Meeting Actions, Subsection (d)	Allocate responsibility for library operations and administration to the HML Board of Trustees; allocate building maintenance of HML to the Department of Public Works.	Lori Spielman	1/31/18: CRC will consider for inclusion in Draft Report; Tabled for further study
9.	Section 910 DPW New Section HML Board of Trustees	Change Form of Town Government to Town Council/Town Manager	Mark Joyse Laurie Burstein Peg Busse	The CRC will not consider for inclusion in Draft Report
10.		Place restriction on how many consecutive years the Town uses the same auditor	Peg Busse	The CRC will not consider for inclusion in Draft Report
11.		Consider language to reopen budget approvals	Peg Busse	The CRC will not consider for inclusion in Draft Report
12.		Consider adding a "lockbox" feature whereby the funds can only be diverted for a different purchase if approved by referendum vote.	Peg Busse	The CRC will not consider for inclusion in Draft Report
13.	Section 207 Voting Districts	Consider adding language that would allow the Town to establish a third voting district	Susan Luginbuhl	This proposal was withdrawn by the Registrar of Voters

SECTION 910. DEPARTMENT OF PUBLIC WORKS [new language in bold type]

The Board of Selectmen shall appoint a Director of Public Works, who shall possess such qualifications as are required for said office, and who shall serve for an indefinite term. It shall be the duty of the Department of Public Works to maintain, repair, clean and remove snow from all public streets and ways; maintain and operate storm sewers and other drains; care for and maintain all town buildings other than those under the jurisdiction of the Board of Education; **perform regular and as-needed maintenance and repairs on Hall Memorial Library and the library facilities and grounds;** coordinate the Recycling Program; prepare or supervise the preparation of plans and specifications for the construction or reconstruction of streets, sidewalks, curbs, gutters, storm sewers, drains, public buildings and other structures and construct or supervise the construction of the same, provided that nothing herein shall preclude the employment of engineers and architects on any such project, or the appointment of citizen advisory committees on the construction of school or other public building. Further duties of the Public Works Department shall be to care for parks, grassed areas in streets and public grounds; the Public Works Department shall maintain all athletic fields and public beaches including those under the jurisdiction of the Board of Education and the Parks and Recreation Commission; to plant and care for trees within the street line; to enforce the provisions of the building code, zoning ordinances and ordinances imposing on owners of property obligations to construct and maintain sidewalks, curbs, gutters, storm sewers and drains; and perform such other duties as may be prescribed by the Board of Selectmen by ordinance. Said Department of Public Works may contract with the town Water Pollution Control Authority for the maintenance of the facilities and grounds which come under the jurisdiction of the Water Pollution Control Authority. The Director of Public Works shall appoint a Tree Warden. The Director of Public Works shall serve as an exofficio member of the Permanent Building Committee. He may organize the Public Works Department in such a manner as he shall deem most economical and efficient and may make and enforce such reasonable rules and regulations not inconsistent with the regulations of the General Statutes or the provision of this charter, as may be necessary to exercise the powers and duties imposed on him by virtue of this provision of the charter. He may delegate such powers to subordinate employees and shall have the authority to appoint and to remove, subject to the approval of the Board of Selectmen and such rules and regulations concerning town employees as may be adopted by the Board of Selectmen, all deputies, assistants or employees in this department.

LIBRARY BOARD OF TRUSTEES [new chapter to be added to Charter]

The Library Board of Trustees, elected as provided in Chapter III of this Charter, shall be responsible for the administration and use of Hall Memorial Library. The Board shall adopt rules and regulations governing such administration and use, provided the use of such library shall be free to all residents of the town under such regulations as the Board shall prescribe, and further provided the Board may exclude from the use of such library any person who willfully violates

such regulations, and still further the Board may extend privileges to use the library to persons residing in this state outside the town upon such terms and conditions as it may prescribe. The Board shall make and adopt policies concerning Internet usage and content accessible to library patrons on computers and other electronic devices provided by the library. The Board shall have exclusive control of the expenditure of moneys allocated to the library through municipal budgetary appropriations. The selection and acquisition of library materials, as well as the development of library programs and the composition of literary and non-literary collections, is within the exclusive control of the Board. The Board may appoint a Library Director, as well as any necessary assistants, and fix their compensation. Any person or entity desiring to make a gift for the benefit of the library may vest title to such donation in the Board, which shall be held and controlled according to the gift's terms, and the Board shall be special trustee of the gift.

Notwithstanding any provision herein to the contrary, the Department of Public Works shall have exclusive control of the care, maintenance and repair of the library building and physical facilities and the library grounds.